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MORRISON & FOERSTER LLPAttorneys at Law
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: (650) 813-5600
Facsimile: (650) 494-0792**OFFICIAL**

To:

NAME:	FACSIMILE:	TELEPHONE:
Examiner G. Yu U.S. Patent and Trademark Office	703-872-9306	703-308-3951

FROM: Mika Mayer

DATE: April 22, 2004

Number of pages with cover page: 17	
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Preparer of this slip has confirmed that facsimile number given is correct: 7230/PME2**CAUTION - CONFIDENTIAL**

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Comments:**OFFICIAL FILING**

Examiner G. Yu
Art Unit: 1617
Re: U.S. Patent Application No. 09/557,187
Title: SALICYLIC ACID ACNE SPRAY FORMULATIONS AND METHODS FOR TREATING ACNE WITH SAME
Filing Date: April 21, 2000
Inventors: Amy E. BAKER
Attorney Docket No. 425802000200

Papers enclosed herewith:

1. Transmittal - 1 page
2. Fee Transmittal + duplicate copy for fee processing - 2 pages
3. Amendment - 12 pages
4. Extension of Time, 1 month - 1 page

PLEASE ACKNOWLEDGE RECEIPT VIA RETURN FACSIMILE

PTO/SB/21 (08-03)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/557,187
		Filing Date	April 21, 2000
		First Named Inventor	Amy E. BAKER
		Art Unit	1617
		Examiner Name	G. Yu
Total Number of Pages in This Submission	16	Attorney Docket Number	425802000200

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form + duplicate copy for fee processing - 2 pages <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply - 12 pages <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request - 1 page <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fax cover sheet
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	MORRISON & FOERSTER LLP (Customer No. 25226) Mika Mayer - 47,777
Signature	
Date	April 22, 2004

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 872-9306, on the date shown below.

Dated: April 22, 2004

Signature: (Patricia M. Ellison)

pa-880233

PTO/SB/17 (10-03)
Approved for use through 7/31/2005. OMB 0651-0032
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)		55.00	
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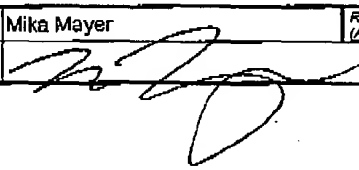
Complete if Known	
Application Number	09/557,187
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First Named Inventor	Amy E. BAKER
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Art Unit	1617
Attorney Docket No.	425802000200

METHOD OF PAYMENT (check all that apply)	
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<input type="checkbox"/> Money Order	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> Deposit Account	
Deposit Account Number	03-1952
Deposit Account Name	Morrison & Foerster LLP
The Director is authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input checked="" type="checkbox"/> Credit any overpayment
<input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s)	
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FEE CALCULATION	
1. BASIC FILING FEE	
Large Entity	Small Entity
Fee Code (\$)	Fee Code (\$)
1001 770	2001 385
1002 340	2002 170
1003 530	2003 255
1004 770	2004 385
1005 160	2005 80
SUBTOTAL (1) (\$)	
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2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE	
Total Claims	18
Independent Claims	2
Multiple Dependent	
Large Entity	Small Entity
Fee Code (\$)	Fee Code (\$)
1202 18	2202 9
1201 88	2201 43
1203 290	2203 145
1204 88	2204 43
1205 18	2205 9
SUBTOTAL (2) (\$)	
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3. ADDITIONAL FEES	
Large Entity	Small Entity
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1052 50	2052 25
1053 130	2053 130
1812 2,520	1812 2,520
1804 920*	1804 920*
1805 1,840*	1805 1,840*
1251 110	2251 55
1252 420	2252 210
1253 650	2253 475
1254 1,480	2254 740
1255 2,010	2255 1,005
1401 330	2401 165
1402 330	2402 165
1403 290	2403 145
1451 1,510	2451 1,510
1452 110	2452 55
1453 1,330	2453 665
1501 1,330	2501 665
1502 480	2502 240
1503 640	2503 320
1460 130	2460 130
1807 50	2807 50
1808 190	2808 190
9021 40	29021 40
1809 770	2809 385
1810 770	2810 385
1801 770	2801 385
1802 900	2802 900
Other fee (specify)	
*Reduced by Basic Filing Fee Paid	
SUBTOTAL (3) (\$)	
55.00	

SUBMITTED BY	
Name (Print/Type)	Mika Mayer
Registration No. (Attorney/Agent)	47,777
Telephone	(650) 813-4298
Signature	
Date	April 22, 2004

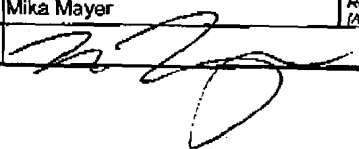
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DUPLICATE COPY FOR FEE PROCESSING

PTO/SB/17 (10-03)

Approved for use through 7/31/2006. OMB 0051-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: 03-1952 Deposit Account Name: Morrison & Foerster LLP The Director is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s) <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above identified deposit account.		3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051 130</td><td>2051 65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052 50</td><td>2052 25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053 130</td><td>2053 130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812 2,520</td><td>1812 2,520</td><td>For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>1804 920*</td><td>1804 920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805 1,840*</td><td>1805 1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251 110</td><td>2251 55</td><td>Extension for reply within first month</td><td>55.00</td></tr> <tr><td>1252 420</td><td>2252 210</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253 950</td><td>2253 475</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254 1,480</td><td>2254 740</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255 2,010</td><td>2255 1,005</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401 330</td><td>2401 165</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402 330</td><td>2402 165</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403 290</td><td>2403 145</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451 1,510</td><td>1451 1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452 110</td><td>2452 55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453 1,330</td><td>2453 665</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501 1,330</td><td>2501 665</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502 480</td><td>2502 240</td><td>Design issue fee</td><td></td></tr> <tr><td>1503 640</td><td>2503 320</td><td>Plant issue fee</td><td></td></tr> <tr><td>1450 130</td><td>1450 130</td><td>Patrons to the Commissioner</td><td></td></tr> <tr><td>1807 50</td><td>1807 50</td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr> <tr><td>1806 180</td><td>1806 180</td><td>Submission of Information Disclosure Sheet</td><td></td></tr> <tr><td>8021 40</td><td>8021 40</td><td>Recording each patent assignment per property (lines number of properties)</td><td></td></tr> <tr><td>1809 770</td><td>2809 385</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>1810 770</td><td>2810 385</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>1801 770</td><td>2801 385</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802 900</td><td>1802 900</td><td>Request for expedited examination of a design application</td><td></td></tr> </tbody> </table>		Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid	1051 130	2051 65	Surcharge - late filing fee or oath		1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet		1053 130	2053 130	Non-English specification		1812 2,520	1812 2,520	For filing a request for ex parte reexamination		1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action		1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action		1251 110	2251 55	Extension for reply within first month	55.00	1252 420	2252 210	Extension for reply within second month		1253 950	2253 475	Extension for reply within third month		1254 1,480	2254 740	Extension for reply within fourth month		1255 2,010	2255 1,005	Extension for reply within fifth month		1401 330	2401 165	Notice of Appeal		1402 330	2402 165	Filing a brief in support of an appeal		1403 290	2403 145	Request for oral hearing		1451 1,510	1451 1,510	Petition to institute a public use proceeding		1452 110	2452 55	Petition to revive - unavoidable		1453 1,330	2453 665	Petition to revive - unintentional		1501 1,330	2501 665	Utility issue fee (or reissue)		1502 480	2502 240	Design issue fee		1503 640	2503 320	Plant issue fee		1450 130	1450 130	Patrons to the Commissioner		1807 50	1807 50	Processing fee under 37 CFR 1.17(q)		1806 180	1806 180	Submission of Information Disclosure Sheet		8021 40	8021 40	Recording each patent assignment per property (lines number of properties)		1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))		1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))		1801 770	2801 385	Request for Continued Examination (RCE)		1802 900	1802 900	Request for expedited examination of a design application	
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2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE <table border="1"> <thead> <tr> <th>Total Claims</th> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>18</td><td>20**</td><td>0 x 9.00</td><td>0.00</td></tr> <tr><td>Independent Claims</td><td>2</td><td>3**</td><td>0 x 43.00</td><td>0.00</td></tr> <tr><td>Multiple Dependent</td><td></td><td></td><td>145.00</td><td>0.00</td></tr> </tbody> </table> <table border="1"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1202 18</td><td>2202 9</td><td>Claims in excess of 20</td><td></td></tr> <tr><td>1201 86</td><td>2201 43</td><td>Independent claims in excess of 3</td><td></td></tr> <tr><td>1203 290</td><td>2203 145</td><td>Multiple dependent claim, if not paid</td><td></td></tr> <tr><td>1204 86</td><td>2204 43</td><td>** Reissue independent claims over original patent</td><td></td></tr> <tr><td>1205 18</td><td>2205 9</td><td>** Reissue claims in excess of 20 and over original patent</td><td></td></tr> </tbody> </table> SUBTOTAL (2) (\$) 0.00 **or number previously paid, if greater; For Reissues, see above		Total Claims	Extra Claims	Fee from below	Fee Paid	18	20**	0 x 9.00	0.00	Independent Claims	2	3**	0 x 43.00	0.00	Multiple Dependent			145.00	0.00	Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid	1202 18	2202 9	Claims in excess of 20		1201 86	2201 43	Independent claims in excess of 3		1203 290	2203 145	Multiple dependent claim, if not paid		1204 86	2204 43	** Reissue independent claims over original patent		1205 18	2205 9	** Reissue claims in excess of 20 and over original patent		SUBTOTAL (3) (\$) 55.00 *Reduced by Basic Filing Fee Paid																																																																											
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Name (Print/Type) Mika Mayer		Registration No. (Attorney/Agent)	47,777																																																																																																																				
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I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office.
facsimile no. (703) 872-9306, on the date shown below.

Dated: April 22, 2004

Signature: *Patricia M. Ellison* (Patricia M. Ellison)Docket No.: 425802000200
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:
Amy E. BAKER

Application No.: 09/557,187

Art Unit: 1617

Filed: April 21, 2000

Examiner: G. Yu

For: SALICYLIC ACID ACNE SPRAY
FORMULATIONS AND METHODS FOR
TREATING ACNE WITH SAME

RECEIVED
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APR 22 2004

OFFICIAL**AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

This is in response to the non-final Office Action dated December 22, 2003 (Paper No. 20), for which a response was due on March 22, 2004. Filed herewith is a Petition and fee for a one (1) month extension of time, thereby extending the deadline for response up to and including April 22, 2004. Accordingly, this response is timely filed. Amendments to the claims are reflected in the listing of claims, which begins on page 2. The remarks begin on page 5. Reconsideration and allowance of the pending claims, in light of the amendments and remarks presented herein is respectfully requested.

pa-877885